

GENERAL ORDERS, }
No. 156. }

WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,
Washington, May 28, 1863.

I..Before a General Court Martial which convened in the city of Washington, D. C., July 16, 1862, pursuant to Special Orders, No. 56, dated Headquarters Reserve Army Corps, Alexandria, Virginia, July 14, 1862, and of which Lieutenant Colonel JAMES SHAW, jr., 10th Rhode Island Volunteers, is President, was arraigned and tried—

Private *Josiah Sears*, Company "E," 112th Pennsylvania Volunteers.

CHARGE I.—"Drunkenness."

Specification—"In this; that he, the said *Josiah Sears*, a private in Company 'E,' 2d Regiment Artillery, 112th Pennsylvania Volunteers, did, on the afternoon of June 12th, 1862, come into camp in a drunken and disorderly manner. This at Camp Saratoga."

CHARGE II.—"Striking and offering violence to his superior officer."

Specification 1st—"In this; that he, the said *Josiah Sears*, a private of Company 'E,' 2d Regiment Artillery, 112th Pennsylvania Volunteers, did refuse to deliver up his canteen when ordered to do so by 1st Lieutenant J. H. Oberteuffer, and say, 'I'll be damned if you shall have it,' or words to that effect; and upon the said Lieutenant J. H. Oberteuffer trying to take it from him did attempt to strike the said Lieutenant John H. Oberteuffer with his canteen. This at Camp Saratoga, D. C., on the 12th day of June, 1862."

Specification 2d—"In this; that he the said *Josiah Sears*, a private in Company 'E,' 112th Pennsylvania Volunteers, did, on the afternoon of June 12th, 1862, violently resist the acting sergeant of the guard who had been ordered to arrest him, and did attempt to strike the said acting sergeant of the guard and say that 'it would take eighteen such men to arrest him,' or words to that effect, and did use the most profane and abusive language to his superior officers. This at Fort Saratoga, &c.

Specification 3d—"In this; that he, the said Private *Josiah Sears*, Company 'E,' 2d Regiment Artillery, 112th Pennsylvania Volunteers, did on the afternoon of June 12th, 1862, strike with his fist Sergeant Bernard Mercer and Corporal Seth Coar, who had been called upon by Lieutenant J. H. Oberteuffer to assist in taking the said *Josiah Sears* to the guard-house. All this at Camp Saratoga, &c., on or about June 12th, 1862."

To which charges and specifications the accused, Private *Josiah Sears*, Company "E," 112th Pennsylvania Volunteers, pleaded as follows :

CHARGE I.

To the *Specification*, "Guilty."

To the *CHARGE*, "Guilty,"

CHARGE II.

To the 1st *Specification*, "Not Guilty."

To the 2d *Specification*, "Not Guilty."

To the 3d *Specification*, "Not Guilty."

To the *CHARGE*, "Not Guilty."

FINDING.

The Court, having maturely considered the evidence adduced, finds the accused, Private *Josiah Sears*, Company "E," 112th Pennsylvania Volunteers, as follows :

CHARGE I.

Of the *Specification*, "Guilty."

Of the *CHARGE*, "Guilty."

CHARGE II.

Of the 1st *Specification*, "Guilty."

Of the 2d *Specification*, "Guilty, except instead of attempting to strike acting sergeant of the guard."

Of the 3d *Specification*, "Guilty."

Of the *CHARGE*, "Guilty."

SENTENCE.

And the Court does therefore sentence him, Private *Josiah Sears*, Company "E," 112th Pennsylvania Volunteers, "*To forfeit to the United States all pay and allowances due, or to become due by virtue of his enlistment, to be dishonorably discharged the service of the United States, being drummed out in the presence of his company with one-half of his head shaved, and be imprisoned in the penitentiary of the District of Columbia for one year.*"

II.—Before a General Court Martial which convened in the city of Washington, D. C., November 25, 1862, pursuant to Special Orders, No. 225 and No. 236, Headquarters District of Washington, and of which Colonel JAMES R. PORTER, 135th Pennsylvania Volunteers, is President, was arraigned and tried—

Private *William B Lucas*, Company "F," 35th Regiment New York Volunteers.

CHARGE—"Theft."

Specification 1st—"In this; that the said Private *William B. Lucas*, Company 'F,' 35th Regiment New York Volunteers, while a patient in Carver United States General Hospital, and on extra duty in charge of the soiled linen room, did take therefrom three white woollen blankets and sell the same to Tracy Burrman for the sum of three dollars. All on or about the 4th day of November, 1862, at the said Carver United States General Hospital, Washington, D. C."

Specification 2d—"That the said Private *William B. Lucas*, while doing duty as hospital nurse at said hospital, and when in charge of the soiled-linen room did, at different times between the 1st of June and the 4th November, take possession of, and appropriate to his own use, a large amount of towels, pillow cases, sheets, cotton shirts, flannel shirts, and woollen blankets belonging to the government of the United States, all of which was concealed in his trunk and boxes under beds in his quarters, and which required a two-horse wagon to remove."

To which charge and specifications the accused, *William B Lucas*,

private, Company "F," 35th New York Volunteers, pleaded as follows :

To the 1st *Specification*, "Guilty,"
 To the 2d *Specification*, "Not Guilty."
 To the CHARGE, "Guilty."

FINDING.

The Court, having maturely considered the evidence adduced, finds the accused, Private *William B. Lucas*, Company "F," 35th New York Volunteers, as follows :

Of the 1st *Specification*, "Guilty."
 Of the 2d *Specification*, "Guilty."
 Of the CHARGE, "Guilty."

SENTENCE.

And the Court does therefore sentence him, Private *William B. Lucas*, Company "F," 35th New York Volunteers, "*That he be confined in the penitentiary for the period of three months, and that he forfeit all pay and allowance except necessary clothing during said term, and at termination of said three months that he be dishonorably discharged the service of the United States. To take effect on the day this sentence is approved.*"

III.. Before a General Court-Martial, which convened at Mary Hall's house, November 28, 1862, pursuant to Special Orders, No. 27, dated Headquarters Abercrombie's Division, November 17, 1862, and of which Colonel CLARENCE BUEL, 169th New York Volunteers, is President, was arraigned and tried—

Nathan G. Axtell, 142d New York Volunteers.

CHARGE I.—"Disobedience of orders."

Specification 1st—"In this; that Major *Nathan G. Axtell*, of the 142d Regiment New York Volunteers, having been duly detailed, and while acting as Field Officer of the Day, did fail to visit the picket guards on the second night of his tour of duty, notwithstanding he had written instructions from the Division Com-

mander, and verbal orders from the Brigade Commander, to visit all his posts once in the day, and once after twelve o'clock at night. This at Fall's Church, Virginia, on or about November 6, 1862."

Specification 2d—"In this; that Major *Nathan G. Axtell*, of the 142d New York Volunteers, when acting as Field Officer of the Day, while visiting the guard at night, between the hours of twelve and two o'clock, and approaching the sentinel at the reserve alone, while mounted, and being challenged at a proper distance, and ordered to dismount, advance and give the countersign, did refuse to dismount in defiance of the written orders, 'that all mounted men shall be ordered to dismount,' but called out the countersign in a loud tone of voice. This at Fall's Church, Virginia, on or about November 5, 1862."

CHARGE II.—"Conduct prejudicial to good order and military discipline."

Specification 1st—"In this; that Major *Nathan G. Axtell*, of the 142d Regiment New York Volunteers, being duly detailed, and while acting as Field Officer of the Day, did neglect to visit the guard during the second night of his tour of duty. This at Fall's Church, Virginia, on or about November 6, 1862."

Specification 2d—"In this; that Major *Nathan G. Axtell*, of the 142d Regiment New York Volunteers, while acting as Field Officer of the Day, when approaching, mounted and alone, a reserve of the picket guard, did fail to obey and respect the orders of a sentinel duly posted and instructed, in accordance with orders from Division and Brigade Headquarters, by refusing to dismount, and did call out the countersign in a loud tone of voice. This at Fall's Church, Virginia, on or about November 5, 1862."

To which charges and specifications the accused, Major *Nathan G. Axtell*, 142d New York Volunteers, pleaded "Not Guilty."

FINDING.

The Court, having maturely considered the evidence adduced, finds the accused, Major *Nathan G. Axtell*, 142d New York Volunteers, as follows:

CHARGE I.

Of the 1st *Specification*, "Guilty."

Of the 2d *Specification*, "Guilty."

Of the CHARGE, "Guilty."

CHARGE II.

Of the 1st *Specification*, "Guilty."

Of the 2d *Specification*, "Guilty."

Of the CHARGE, "Guilty."

SENTENCE.

And the Court does therefore sentence him, Major *Nathan G. Axtell*, 142d New York Volunteers, "*To be dismissed the service.*"

IV.—Before a General Court Martial, which convened in the city of Washington, D. C., February 24, 1863, pursuant to Special Orders, No. 37, dated February 20, 1863, and No. 39, dated February 22, 1863, Headquarters Military District of Washington, D. C., and of which Lieutenant Colonel WILLIAM O. DREW, 2d District of Columbia Volunteers, is President, was arraigned and tried—

Lieutenant *John P. Cole*, 144th New York Volunteers.

CHARGE.—"Desertion."

Specification—"In this; that Lieutenant *John P. Cole*, 144th New York Volunteers, did desert from his regiment and company on or about the 19th of January, 1863, and did remain absent until apprehended on or about the 21st day of January, 1863, at Washington, D. C."

To which charge and specification the accused, Lieutenant *John P. Cole*, 144th New York Volunteers, pleaded "Not Guilty."

FINDING.

The Court, having maturely considered the evidence adduced, finds the accused, Lieutenant *John P. Cole*, 144th New York Volunteers, as follows:

Of the *Specification*, "Guilty."

Of the *CHARGE*, "Guilty."

SENTENCE.

And the Court does therefore sentence him, Lieutenant *John P. Cole*, 144th New York Volunteers, "*That he be shot to death with musketry at any time and place the Commanding General or the President of the United States may appoint. This sentence was concurred in by two-thirds of the Court.*"

V.—Before a General Court Martial which convened at Centerville, Virginia, April 11, 1863, pursuant to General Orders, No. 38, dated March 31, 1863, and Special Orders, No. 36, dated April 3, 1863, Headquarters Casey's Division, Washington, and of which Colonel GEORGE L. WILLARD, 125th New York Volunteers, is President, was arraigned and tried—

Captain *Jacob S. Graeff*, 151st Pennsylvania Volunteers.

CHARGE I.—"Quitting his guard."

Specification—"In this; that he, Captain *Jacob S. Graeff*, Company 'E,' 151st Pennsylvania Volunteers, having been regularly detailed as officer of the picket guard for the right wing of the picket line extending from Union Mills to Blackburn's Ford, along the general course of Bull Run stream, did, after having been duly placed in command of such guard, and after said guard had been posted, quit his said guard and leave the said picket line and go to the camp of his said regiment. This at or near Union Mills, Virginia, on or about the 9th day of February, 1863."

CHARGE II.—"Conduct prejudicial to good order and military discipline."

Specification—"In this; that he, Captain *Jacob S. Graeff*, Company 'E,' 151st Pennsylvania Volunteers, while regularly in command of the picket guard of said Regiment—which guard was posted along the picket line from Union Mills to Blackburn's Ford, along the general course of Bull Run stream, and while stationed

at post number seven of said picket line, to wit, at McLean's Ford, with a reserve of said guard—did, before he was regularly relieved, quit said post number seven, and go away from the said picket line to the camp of his said Regiment, and did so remain away for a long time. This at or near Union Mills, Virginia, on or about the 9th day of February, 1863."

To which charges and specifications the accused, Captain *Jacob S. Graeff*, 151st Pennsylvania Volunteers, pleaded "Not Guilty."

FINDING.

The Court, having maturely considered the evidence adduced, finds the accused, Captain *Jacob S. Graeff*, 151st Pennsylvania Volunteers, as follows:

CHARGE I.

Of the *Specification*, "Guilty."

Of the *CHARGE*, "Guilty."

CHARGE II.

Of the *Specification*, "Guilty, except the words, 'and did so remain away for a long time.'"

Of the *CHARGE*, "Guilty."

SENTENCE.

And the Court does therefore sentence him, Captain *Jacob S. Graeff*, 151st Pennsylvania Volunteers, "*To be dismissed the service of the United States.*"

VI.—Before a General Court Martial which convened in the city of Washington, D. C., March 2, 1863, pursuant to General Orders, No. 20, dated February 2, 1863, Special Orders, No. 146, dated February 10, 1863, and No. 150, dated February 16, 1863, Headquarters Cavalry Department of Washington, and of which Colonel C. H. Town, 1st Michigan Cavalry, is President, was arraigned and tried—

2d Lieutenant *Joseph B. Grice*, 5th New York Cavalry.

CHARGE I.—“ Violation of the 42d Article of War.”

Specification—“ In this; that the said *Joseph B. Grice*, Company ‘C,’ 5th New York Cavalry, having received a pass for forty-eight hours on the 12th day of January, 1863, failed to return to his Company and Regiment, and did remain absent on the nights of the 14th, 15th, 16th, and 17th of January, 1863, without the consent of his commanding officer, during which time he, the said *Joseph B. Grice*, remained in Washington, District of Columbia, and on the 18th of January, 1863, he, the said *Joseph B. Grice*, was ordered by the Provost Marshal of Washington ‘to report to the commanding officer of his regiment within twenty-four hours, in arrest,’ having been found in the city of Washington without authority, and drunk. All this at Washington, in the District of Columbia, on the 14th, 15th, 16th and 17th January, 1863.”

CHARGE II.—“ Conduct unbecoming an officer and a gentleman.”

Specification—“ In this; that the said *Joseph B. Grice*, 2d Lieutenant, Company ‘C,’ 5th New York Cavalry, did, on the night of the 31st December, 1862, while on duty near Fairfax Court House, get drunk, and was in such a state of intoxication that he, the said *Joseph B. Grice*, was pulled from under the feet of the horses of the troop by Private James Highland, of said company. This at Fairfax Court House, Fairfax county, in the State of Virginia, on the 31st day of December, 1862.”

CHARGE III.

Specification—“ In this; that the said *Joseph B. Grice*, 2d Lieutenant, Company ‘C,’ 5th New York Cavalry, did, while on duty as commandant of said company, get drunk and appear before his company in that condition, to the prejudice of good order and military discipline. This at Chantilly, Fairfax county, in the State of Virginia, on or about the 6th day of January, 1863.”

To which charges and specifications the accused, 2d Lieutenant *Joseph B. Grice*, 5th New York Cavalry, pleaded “Not Guilty.”

FINDING.

The Court, having maturely considered the evidence adduced, finds the accused, 2d Lieutenant *Joseph B. Grice*, 5th New York Cavalry, as follows :

CHARGE I.

Of the *Specification*, "Guilty."

Of the CHARGE, "Guilty."

CHARGE II.

Of the *Specification*, "Guilty, with the exception of the words 'by Private James Highland, of said company.'"

Of the CHARGE, "Guilty, with the same exception."

CHARGE III.

Of the *Specification*, "Not Guilty."

Of the CHARGE, "Not Guilty."

SENTENCE.

And the Court does therefore sentence him, 2d Lieutenant *Joseph B. Grice*, 5th New York Cavalry, "*That he be dismissed from the service of the United States.*"

VII.—In compliance with the 5th section of the act approved July 17, 1862, the proceedings in the case of Private *Josiah Sears*, Company "E," 112th Pennsylvania Volunteers, have been submitted to the President of the United States, who disapproves so much of the sentence as subjects the prisoner to confinement in the penitentiary of the District of Columbia—the remainder of the sentence will be executed.

In compliance with the 5th section of the act approved July 17, 1862, the proceedings in the case of Private *William B. Lucas*, Company "F," 35th New York Volunteers, have been submitted to the President of the United States, who disapproves the sentence for want of jurisdiction of the Court; "*theft*" not being a military offence.

The proceedings of the Court in the case of Major *Nathan G. Axtell*,

142d New York Volunteers, have been forwarded for the action of the President of the United States, who approves the sentence, but in consideration of the mitigating circumstances exhibited by the record, the sentence awarded by the Court is remitted.

The proceedings of the Court in the case of Lieutenant *John P. Cole*, 144th New York Volunteers, have been forwarded for the action of the President of the United States, who approves the sentence, but direct that it be commuted to dismissal from the service of the United States, as recommended by the Court.

The proceedings of the Court in the case of Captain *Jacob S. Graeff*, 151st Pennsylvania Volunteers, have been forwarded to the President of the United States, who approves the sentence, but directs that it be mitigated to a forfeiture of pay for the period of three months.

The proceedings of the Court in the case of 2d Lieutenant *Joseph B. Grice*, 5th New York Cavalry, have been forwarded for the action of the President of the United States, who disapproves the sentence in the case, on account of marked irregularities in the proceedings.

BY ORDER OF THE SECRETARY OF WAR:

E. D. TOWNSEND,
Assistant Adjutant General.